THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.12296 of 1996

Dated:28.11.2006

Between
Askari Begum

.....Petitioner

and

1.The Chairman, A.P. State
Wakf Board opposite to
Public Gardens, Nampalli,
Hyderabad and another.

...Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.12296 of 1996

ORDER:

This writ petition is filed seeking a writ of Certiorari to call for the records relating to the proceedings No.E1/142/92 dated 16.6.1996 on the file of the 1st respondent in terminating the services of the petitioner with effect from 30.6.1996 and quash the same as arbitrary and illegal.

It is the case of the petitioner that she was appointed as a full time worker on consolidated pay of Rs.400/- by an order dated 5.8.1992 to work at Kohe-Imam-e-Zamin for a period of 6 months. Subsequently, her services were extended from time to time and keeping in view the price rise index, her pay was enhanced to Rs.700/-. Regulation 17 of the A.P. Wakf Regulation, 1963

(for short 'the regulation') deals with the appointment of post under the Board by the authorities specified. Regulation No.3 makes it clear that the Chairman of the Board is the appellate authority, but in the instant case, the 1st respondent said to have passed orders directing termination of services without jurisdiction. Consequently, the petitioner is deprived of the right of appeal. The appellate authority cannot bypass the original authority, as such the order passed by the 1st respondent is liable to be set aside. Hence, the writ petition.

Be that as it may, on 18.6.1996, this Court granted interim suspension of the impugned proceedings dated 16.6.1996.

In the counter filed by the respondents, it is asserted that the petitioner submitted her application on 13.7.1996 enclosing the copy of the interim order dated 28.6.1996 and requested to allow her to join duty. Therefore, in compliance of the said interim order, the petitioner was reinstated into service *vide* proceedings No.E1/142/92 dated

27.7.1996. It is further stated that the petitioner is a contingent employee of the institution. Therefore, the contention that Regulation 17 is attracted and that termination order was not passed by the competent authority but by a higher authority, cannot be accepted since the petitioner is not a regular employee of the Wakf Board.

Learned counsel for the petitioner submits that the petitioner is continuing in the same post for the last more than 10 years.

In view of the above, without going into the merits of the case, writ petition is disposed of directing the respondents to consider the case of the petitioner for absorption on permanent basis. However, if for any reason, there is a necessity for terminating the services of the petitioner, she may be put on notice as per law and the respondents shall take appropriate action. No costs.

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28-11-2006

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